**Remarks**

This submission is in response to the final Office Action dated March 4, 2004. Pending claims are 1-3 and 5-9. No new matter is added by the present response. Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested.

Claims 1-2 and 5-8 have been rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,879,344 (to Koczab) in view of U.S. Patent No. 5,476,459 (to Yang). Specifically, the Examiner has indicated that Koczab discloses all aspects of the invention except the presence of binder resin in the acquisition zone; and that Yang teaches the binder resin in an acquisition zone. According to the Examiner, based on these references, it would have been obvious to one of ordinary skill in the art to arrive at the presently claimed invention.

This rejection is respectfully traversed, and reconsideration is respectfully requested.

Applicants agree that Koczab fails to teach the presence of binder resin in the acquisition zone. However, it is also Applicant's position that the patent fails to teach the presence of superabsorbent particles in an embodiment of the Koczab invention. The Examiner states that "the storage layer 12 comprises superabsorbent polymer particles, as disclosed in column 6, line 63." (See Office Action, page 2). However, this noted citation merely describes the inclusion of superabsorbent material in a commercial diaper that is being used as a comparative example to the Koczab invention. The Koczab embodiments do not teach absorbent articles with superabsorbent material in the patented invention. Therefore, Koczab is missing the teaching of the binder resin as well as the superabsorbent material.

The Examiner has relied on Yang to provide the teaching of the binder resin in the acquisition layer. Specifically, the Examiner states that "Yang discloses an upper fibrous acquisition zone 73, as shown in figure 7, comprising polyester fibers and a binder resin, as described in column 11, lines 8-17." (See Office Action, page 2). Yang further describes the transfer layer in column 11, lines 31-38, which states that the transfer layer conducts fluid to the bottom of the open channel formed by the M-folding of the core. Applicants submit that the open channel (which exhibits a theoretically lower density) serves as the acquisition layer not the transfer layer. This is clear from the description at column 11, lines 31 -33: "In forming the M-fold, a channel is created in approximately the center of the pad in a lengthwise direction which serve to hold discharge until

absorbed by the absorbent core." Therefore, it is the open channel which "holds" the discharge and thus is the section that represents the acquisition zone. Yang does not teach that the transfer layer holds the discharge. It is therefore applicant's position that the Examiner has mischaracterized the transfer layer as an acquisition layer. Therefore, Yang does not provide the missing teaching of an acquisition layer with binder resin.

Additionally, Applicants note that the Examiner has relied on Koczab specifically against claim 2. According to the Examiner, "Koczab discloses that the upper fibrous layer is airlaid at column 4, line 8, [and that] the acquisition layer has a lower density than the distribution zone 3, as disclosed in column 4, lines 25-27 and 52-55." (See Office Action, page 3). At lines 25-27 and 52-55, the patent refers to measurements of weight per unit area, which represent units for basis weight. Thus, the Examiner has relied on teachings of basis weight values, rather than density values, which are measured in weight per unit volume. Therefore, Koczab does not teach the density gradient.

Based on this detailed review of the references, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Koczab with Yang to arrive at the presently claimed invention.

Claims 3 and 9 have been rejected under 35 U.S.C. 103(a) as unpatentable over Koczab in view of Yang and Statutory Invention Registration (SIR) No. H1657 (to Hammons). According to the Examiner, Koczab and Yang teach all aspects of the claimed invention as indicated above with the exception of the composition of the storage layer. The Examiner states that Hammons provides the storage layer composition, thereby rendering the claims obvious.

The rejection is respectfully traversed, and reconsideration is respectfully requested.

Applicants submit that Koczab and Yang fail to teach the presently claimed invention as discussed above. It is Applicants' position that these references fail to teach the limitations of the presently claimed embodiments. The Examiner's reliance on Hammons to teach an airfelt aspect of the storage layer compositions fails to provide the missing teaching of the acquisition layer and binder resin. Therefore, again, it would not be obvious to combine the references to arrive at the claimed invention.

In view of the above remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By Sandra Lee

Sandra S. Lee
Registration No.: 51,932
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant